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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

VUONG, QUOCHIE B

ART UNIT	PAPER NUMBER
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2685

DATE MAILED: 06/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/786,945

Applicant(s)

TRACY ET AL.

Examiner

Quochien B Vuong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2004.
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-20 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 24 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/24/04.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 02/24/2004 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites the limitation "the wearable electronic product" in claim 2, line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 2, 4, 7-10, 14, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Hallikainen et al. (US 5,797,102).

Regarding claim 1, Hallikainen et al. (figure 1) disclose an electronic product, comprising: an electronic host device (cellular phone); and at least one peripheral device (auxiliary device 1-N) that selectively couples and decouples to the electronic host device and activates independently of the electronic host device and further activates and operates independently of other peripheral devices that selectively couple and decouple to the electronic host device (column 1, line 7-12, and line 61 – column 2, line 11, figure 1).

Regarding claim 2, Hallikainen et al. disclose the electronic device further inherently comprises a means for wearing the electronic product on at least one among the electronic host device and the at least one peripheral device on a user (since they are cellular phone and hand-free unit) (column 1, lines 7-12).

Regarding claim 4, Hallikainen et al. disclose the at least one peripheral device activates independently of any other peripheral device for the electronic host device (since they are different units including hand-free units, modems, and telefaxes) (column 1, lines 7-12).

Regarding claim 7, Hallikainen et al. disclose the at least one peripheral device can be selected among the group of peripherals comprising an earpiece, a display, a microphone, a user interface, a keyboard, a phone, a pager, a personal digital assistant, a camera, a watch, a computer, a receiver, and a transmitter (column 1, lines 7-12).

Regarding claim 8, Hallikainen et al. disclose any combination of peripheral devices operates concurrently and independently with their own separate relationship to the electronic host device (column 1, line 7-12, and line 61 – column 2, line 11, figure 1).

Regarding claim 9, Hallikainen et al. (figure 1) disclose an electronic host device (cellular phone) forming a portion of an electronic product, comprising: a power source (in order to for the cellular phone to work); at least one port for receiving at least two peripheral devices (auxiliary devices 1-N) that independently and selectively couple and decouple to the electronic host device and activate independently of the electronic host device and other peripheral devices (column 1, line 7-12, and line 61 – column 2, line 11, figure 1).

Regarding claim 10, Hallikainen et al. (figure 1) disclose a peripheral device (auxiliary devices 1-N) forming a portion of an electronic product, comprising: a power source (in order to for the peripheral device to work); a port for coupling with at least one electronic host device (cellular phone), wherein the peripheral device selectively couple and decouple to the at least one electronic host device and activates independently of the electronic host device and other peripheral devices that work in conjunction with the electronic host device (column 1, line 7-12, and line 61 – column 2, line 11, figure 1).

Regarding claim 14, Hallikainen et al. disclose the at least one peripheral device can be selected among the group of peripherals comprising an earpiece, a display, a microphone, a user interface, a keyboard, a phone, a pager, a personal digital assistant, a camera, a watch, a computer, a receiver, and a transmitter (column 1, lines 7-12).

Regarding claim 15, Hallikainen et al. disclose any combination of peripheral devices operates concurrently and independently with their own separate relationship to the electronic host device (column 1, line 7-12, and line 61 – column 2, line 11, figure 1).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 3, 5, 6, 9, 10, 11-13, and 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hallikainen et al. in view of Palermo et al. (US Publication 2002/0132585).

Regarding claim 3, Hallikainen et al. do not specifically disclose the at least one peripheral device activates automatically upon being decoupled from the electronic host device. However, Palermo et al. (figure 1) disclose a peripheral device (headset 110) activates automatically upon being decoupled from the electronic host device (base station 120 and cellular phone 130) (paragraphs [0148] and [0156]). Therefore, it would have been obvious for one having ordinary skill in the art at the time the invention was

made to adapt the teaching of Palermo et al. for automatically activating the peripheral device upon being decoupled from the electronic host device to the electronic product of Hallikainen et al. for simplifying the activation of the peripheral device as suggest by Palermo et al. (paragraph [0148]).

As to claim 5, Hallikainen et al. do not specifically disclose the at least one peripheral device automatically senses the need for its own power source to become active when selectively decoupled from the electronic host device. However, Palermo et al. (figure 1) disclose a peripheral device (headset 110) automatically senses the need for its own power source to become active when selectively decoupled from the electronic host device (base station 120 and cellular phone 130) (paragraphs [0148] and [0156]). Therefore, it would have been obvious for one having ordinary skill in the art at the time the invention was made to adapt the teaching of Palermo et al. for automatically senses the need for the peripheral own power source to become active when selectively decoupled from the electronic host device to the electronic product of Hallikainen et al. for simplifying the activation of the peripheral device as suggest by Palermo et al. (paragraph [0148]).

As to claim 6, Hallikainen et al. do not specifically disclose the at least one peripheral device automatically senses the need for activating a new wireless link to the electronic host device using its own power source when selectively decoupled from the electronic host device. However, Palermo et al. (figure 1) disclose a peripheral device (headset 110) automatically senses the need for activating a new wireless link to the electronic host device using its own power source when selectively decoupled from the

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electronic host device (base station 120 and cellular phone 130) (paragraphs [0148] and [0156]). Therefore, it would have been obvious for one having ordinary skill in the art at the time the invention was made to adapt the teaching of Palermo et al. for automatically senses the need for activating a new wireless link to the electronic host device using the peripheral own power when selectively decoupled from the electronic host device to the electronic product of Hallikainen et al. for simplifying the activation of the peripheral device as suggest by Palermo et al. (paragraph [0148]).

Regarding claim 11, Hallikainen et al. do not specifically disclose the peripheral device activates automatically upon being decoupled from the electronic host device. However, Palermo et al. (figure 1) disclose a peripheral device (headset 110) activates automatically upon being decoupled from the electronic host device (base station 120 and cellular phone 130) (paragraphs [0148] and [0156]). Therefore, it would have been obvious for one having ordinary skill in the art at the time the invention was made to adapt the teaching of Palermo et al. for automatically activating the peripheral device upon being decoupled from the electronic host device to the peripheral device of Hallikainen et al. for simplifying the activation of the peripheral device as suggest by Palermo et al. (paragraph [0148]).

As to claim 12, Hallikainen et al. do not specifically disclose the peripheral device automatically senses the need for its own power source to become active when selectively decoupled from the electronic host device. However, Palermo et al. (figure 1) disclose a peripheral device (headset 110) automatically senses the need for its own power source to become active when selectively decoupled from the electronic host

device (base station 120 and cellular phone 130) (paragraphs [0148] and [0156]).

Therefore, it would have been obvious for one having ordinary skill in the art at the time the invention was made to adapt the teaching of Palermo et al. for automatically senses the need for the peripheral own power source to become active when selectively decoupled from the electronic host device to the peripheral device of Hallikainen et al. for simplifying the activation of the peripheral device as suggest by Palermo et al. (paragraph [0148]).

As to claim 13, Hallikainen et al. do not specifically disclose the peripheral device automatically senses the need for activating a new wireless link to the electronic host device using its own power source when selectively decoupled from the electronic host device. However, Palermo et al. (figure 1) disclose a peripheral device (headset 110) automatically senses the need for activating a new wireless link to the electronic host device using its own power source when selectively decoupled from the electronic host device (base station 120 and cellular phone 130) (paragraphs [0148] and [0156]). Therefore, it would have been obvious for one having ordinary skill in the art at the time the invention was made to adapt the teaching of Palermo et al. for automatically senses the need for activating a new wireless link to the electronic host device using the peripheral own power when selectively decoupled from the electronic host device to the peripheral device of Hallikainen et al. for simplifying the activation of the peripheral device as suggest by Palermo et al. (paragraph [0148]).

Regarding claim 16, Hallikainen et al. disclose a method of operating at least one peripheral device (auxiliary devices 1-N) independently from an electronic host device

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(cellular phone), comprising the steps of: powering the electronic host device and the at least one peripheral device using a power source for the electronic host device when the at least one peripheral device is coupled to the electronic host device (column 1, lines 61-67; column 2, lines 52-58, and figures 1 and 3). Hallikainen et al. do not specifically disclose the steps of detecting a selective decoupling of the at least one peripheral device from the electronic host device; powering the electronic host device using the power source for the electronic host device and independently powering the at least peripheral device with a power source for the at least one peripheral device in response to detecting the selective decoupling; and activating the peripheral device independently of any other peripheral device coupled to at least one among the electronic host device and the peripheral device. However, Palermo et al. (figure 1) disclose detecting a selective decoupling of the at least one peripheral device (headset 110) from the electronic host device (base station 120 and cellular phone 130); powering the electronic host device using the power source for the electronic host device and independently powering the at least peripheral device with a power source for the at least one peripheral device in response to detecting the selective decoupling; and activating the peripheral device independently of any other peripheral device coupled to at least one among the electronic host device and the peripheral device (paragraphs [0148] and [0156]). Therefore, it would have been obvious for one having ordinary skill in the art at the time the invention was made to adapt the teaching of Palermo et al. for detecting a selective decoupling of the at least one peripheral device (headset 110) from the electronic host device (base station 120 and cellular phone 130);

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powering the electronic host device using the power source for the electronic host device and independently powering the at least peripheral device with a power source for the at least one peripheral device in response to detecting the selective decoupling; and activating the peripheral device independently of any other peripheral device coupled to at least one among the electronic host device and the peripheral device to the method of Hallikainen et al. for simplifying the activation of the peripheral device as suggest by Palermo et al. (paragraph [0148]).

Regarding claim 17, Hallikainen et al. disclose the step of wearing at least one among the at least one peripheral device and the electronic host device on a user (since they are cellular phone and hand-free unit) (column 1, lines 7-12).

As to claim 18, Hallikainen et al. and Palermo et al. disclose the method of claim 16; in addition, Palermo et al. disclose the step of automatically activating the peripheral device upon being decoupled from the electronic host device (paragraph [0148]).

As to claim 19, Hallikainen et al. and Palermo et al. disclose the method of claim 16; in addition, Palermo et al. disclose a step of activating a new wireless link to the electronic host device and the at least one peripheral device in response to the detecting the selective decoupling from the electronic host device (paragraph [0148]).

As to claim 20, Hallikainen et al. disclose the step of operating any combination of peripheral devices concurrently and independently with their own separate relationship to the electronic host device (column 1, line 7-12, and line 61 – column 2, line 11, figure 1).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Raussi et al. (US 6,208,876) disclose a wireless communication device.

Wilska et al. (US 6,427,078) disclose a device for personal communications, data collection and data processing, and a circuit card.

Bobisuthi et al. (US 6,735,453) disclose automatic headset hookswitch.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quochien B Vuong whose telephone number is (571) 272-7902. The examiner can normally be reached on M-F 9:30-18:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



QUOCHIE B. VUONG
PRIMARY EXAMINER

Quochien b. Vuong
May 27, 2005.